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PATENT  
Docket No. 59427US002IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): BURTON, Scott et al. ) Group Art Unit: 1615  
Serial No.: 10/728,446 ) Examiner: Isis A.D. Ghali  
Filed: 5 December 2003 ) Confirmation No.: 9352  
For: SILVER COATINGS AND METHODS OF MANUFACTURE

FACSIMILE TRANSMISSION TO THE PTO

Commissioner for Patents  
Tech Center 1600; Art Unit 1615  
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Mueting, Raasch & Gebhardt, P.A.

Nov 1, 2007  
Date

By: Ann M. Mueting  
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Nov 1, 2007  
Date

Signature: M. S. Willis  
Name: Margaret S. Willis

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PETITION FROM REQUIREMENT FOR RESTRICTION UNDER 37 C.F.R. §1.144

Technology Center 1600; Art Unit 1615  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request that the Director review the requirement for restriction mailed on April 16, 2007 in the above-referenced matter. In accordance with 37 C.F.R. § 1.144, reconsideration of the restriction requirement was requested in the election filed on May 8, 2007. Moreover, pursuant to MPEP 818.03(c), the election was made with traverse.

Applicants wish to reiterate the argument put forth in the original response to the restriction requirement. Applicants submit that restriction between Inventions I, II, and III is improper, because claim 1 is generic to independent claims 15, 27, and thereby to claims dependent therefrom. Specifically, the "combining step" recited in claims 15 and 27 are encompassed by the step of "combining a sparingly soluble silver-containing compound with an ammonium-containing compound to form an aqueous solution" recited in claim 1. Furthermore, the step of adding an oxidizing agent of claim 27 is an optional step of claim 1, as evidenced by claims 12 and 13.

Applicants remain of the view that claim 1 is indeed generic to claims 15 and 27 under the definition set forth in the MPEP 806.04(d).

**Petition from Requirement from Restriction**

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In the resulting Office Action mailed July 20, 2007, in which the Examiner makes the restriction final, the Examiner sets forth the argument as found on pp. 2-3 that "invention II is distinct from inventions I and III because it specifically requires silver oxide and ammonium carbonate that [are] not required by inventions claim 1 and ammonium carbonate is not required by claim 27. Invention I requires silver containing compound and ammonium containing compound, while, Invention III requires silver oxide and does not require specific ammonium containing compound and further requires adding oxidizing agent." It is noted that silver oxide of claims 15 and 27 is a "sparingly soluble silver-containing compound" as evidenced by claim 5, which depends from claim 1. Ammonium carbonate is "an ammonium-containing compound" as evidenced by claim 7, which depends from claim 1.

Although 37 C.F.R. §1.181(f) implies that a petition must be filed within two months of the mailing date of the action from which relief is requested, Applicants wish to bring to the Director's attention that 37 C.F.R. § 1.144 reads as follows:

"After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, any petition the Director to review the requirement. *Petition may be deferred until after final action on or allowance of claims to the invention elected, but must be filed not later than appeal.* A petition will not be considered if reconsideration of the requirement was not requested." (emphasis added)

Thereby, Applicants believe that this petition from requirement for restriction has been filed in a timely manner and respectfully request that the Director review the requirement for restriction as instituted by the Examiner.

A copy of the claims as filed (Exhibit A) is included herewith for the convenience of the Director.

**Petition from Requirement from Restriction**

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Applicants believe that no fee is due when filing a petition pursuant with 37 C.F.R. §1.181. However, in the event a fee is due, Applicants hereby authorize the charge of any fee or credit any overpayment to Account No. 13-4895.

The Examiner is invited to contact Applicants' Representatives at the below-listed telephone number if there are any questions.

**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to: Tech Center 1600; Art Unit 1615, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 1 day of November, 2007, at 1:51 pm (Central Time)

By: Margaret S. WillisName: Margaret S. Willis

Nov. 1, 2007  
Date

Respectfully submitted

By

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**EXHIBIT A - Claims as filed**

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**WHAT IS CLAIMED IS:**

1. A wound dressing comprising an apertured liquid permeable substrate and an absorbent, nonadherent polymer composition comprising:
  - 5 a hydrophobic organic polymer matrix;
  - an optional plasticizing agent; and
  - hydrophilic organic microparticles.
2. The wound dressing of claim 1 wherein the hydrophobic organic polymer  
10 matrix comprises a styrene-isoprene-styrene copolymer, a styrene-butadiene-styrene copolymer, or mixtures thereof.
3. The wound dressing of claim 1 wherein the composition comprises a plasticizing agent.  
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4. The wound dressing of claim 1 wherein the microparticles when in a substantially nonhydrated form have an average particle size of 10 microns or less.
5. The wound dressing of claim 4 wherein the microparticles when in a  
20 substantially nonhydrated form have an average particle size of 1 micron or less.
6. The wound dressing of claim 5 wherein the microparticles when in a substantially nonhydrated form have an average particle size of 0.5 micron or less.
- 25 7. The wound dressing of claim 1 wherein the apertured liquid permeable substrate comprises 1 to 225 apertures per square centimeter.
8. The wound dressing of claim 1 wherein the apertured liquid permeable substrate comprises apertures having an average opening size of 0.1 millimeter to 0.5 centimeter.  
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9. The wound dressing of claim 1 wherein the microparticles comprise an amine-containing organic polymer.

**EXHIBIT A - Claims as filed**

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10. The wound dressing of claim 9 wherein the amine-containing organic polymer microparticles comprise a quaternary ammonium salt of an organic polymer.
11. The wound dressing of claim 10 wherein the microparticles comprise a cationic homopolymer of the methyl chloride quaternary salt of 2-(dimethylamino)ethyl methacrylate.
12. The wound dressing of claim 1 wherein the microparticles comprise a copolymer of sodium acrylate and acrylic acid.
13. The wound dressing of claim 1 wherein the microparticles are in the form of a dispersion.
14. The wound dressing of claim 1 wherein the polymer composition further comprises a bioactive agent.
15. The wound dressing of claim 14 wherein the bioactive agent is an antimicrobial agent.
16. The wound dressing of claim 1 wherein the polymer composition further comprises an additive selected from the group consisting of a tackifier, a crosslinking agent, a stabilizer, a compatibilizer, an extruding aid, a filler, a pigment, a dye, a swelling agent, a chain transfer agent, and combinations thereof.
17. The wound dressing of claim 1 wherein the hydrophobic organic polymer matrix comprises a mixture of two or more polymers.
18. The wound dressing of claim 1 wherein the microparticles are present in an amount of 1 wt-% to 60 wt-%, based on the total weight of the polymer composition.
19. A wound dressing comprising an apertured liquid permeable substrate and an absorbent, nonadherent polymer composition comprising:

**EXHIBIT A - Claims as filed**

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a hydrophobic organic polymer matrix comprising a styrene-isoprene-styrene copolymer, a styrene-butadiene-styrene copolymer, or mixtures thereof;  
an optional plasticizing agent; and  
hydrophilic microparticles comprising an amine-containing organic polymer.

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20. A wound dressing comprising an apertured liquid permeable substrate and an absorbent, nonadherent polymer composition comprising:

a hydrophobic organic polymer matrix comprising a styrene-isoprene-styrene copolymer, a styrene-butadiene-styrene copolymer, or mixtures thereof;

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an optional plasticizing agent; and

hydrophilic microparticles comprising a sodium polyacrylate copolymer.

21. A method of treating a wound, the method comprising applying the wound dressing of claim 1 to the wound.

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22. A method of treating a wound, the method comprising applying the wound dressing of claim 19 to the wound.

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23. A method of treating a wound, the method comprising applying the wound dressing of claim 20 to the wound.